

**REMARKS**

By the present amendment, independent claims 9 and 15 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In particular, claims 9 and 15 have been amended to reflect a diheterocyclic structure as set out in originally filed claims 9 and 15. Claim 10 has also been amended to include the term "and" prior to "component (C)" in order to conform the language along the lines of originally filed claim 10.

In addition, claims 9, 10, and 15 have been amended to remove parentheses where it maybe not been clear whether the limitations in the parentheses are a preferred embodiment or actual claim limitations. These claims are now amended to clearly identify such limitations as actual claim limitations. Claims 20 and 21 have been amended to depend from a single claim in order to avoid being improper multiple dependent claims. Entry of these amendments is requested.

**OBJECTIONS**

In the Office Action, claims 9 and 15 were objected to as lacking the two heterocyclic groups in the formulas as originally filed. Claim 10 was objected to as lacking the term "or" necessary to provide a complete sentence.

Claims 9 and 15 have been now amended to provide structures having the two heterocyclic groups set out in the originally filed claims. Claim 10 has been amended to insert "and" between the description of "component (B)" and "component (C)" as set out in originally filed claim 10.

Accordingly, it is submitted that the above objections are now moot and their withdrawal is requested.

**REJECTIONS UNDER 35 USC §112**

Claims 9-12 and 15-24 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9, 10, and 15 have been amended to remove parentheses where it maybe not been clear whether the limitations in the parentheses were a preferred embodiment or actual claim limitations. These claims are amended to clearly identify such limitations as actual claim limitations. Claims 20 and 21 have been amended to eliminate multiple dependent claim language. Claims 20 and 21 have been amended to depend from single claim in order to avoid being improper multiple dependent claims.

Claims 11, 12, 16-19, and 22-24 which were rejected as being dependent on a rejected claim should be considered in conformance with under 35 USC 112, second paragraph, inasmuch as the claims from which they depend have been amended to conform to the provisions of 35 USC 112. Accordingly, reconsideration of this rejection in view of the above claim amendments is respectfully requested.

**REJECTION UNDER 35 USC 103**

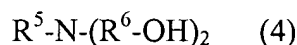
Claims 9-12 and 15-24 were rejected under 35 USC § 103(a) as being unpatentable over the newly cited JP '165 (JP 10-060165, machine translation) in view of U.S. Patent 6,238,615 to Kobayashi et al. In making this rejection, it was asserted that JP '165 discloses dibenzylidenesorbitol composition for use with polyolefin containers having low odor prepared by adding 0.01-50 pbw per 100 pbw dibenzylidenesorbitol of a compound such as hydroxyalkylamine (C3) (Formula 4, paragraphs 0014 and 0050). The compound is added to polyolefin in an amount of 0.05-3 parts by weight per 100 parts by weight polyolefin.

It was acknowledged that JP '165 fails to disclose use of a saturated or unsaturated aliphatic carboxylic acid having at least one hydroxyl group per molecule (B2). Accordingly, Kobayashi was cited as disclosing a composition comprising polyolefin resin and dibenzylidene sorbitol and which teaches that the addition of 0.05-20 wt% relative to dibenzylidene sorbitol of a melting point depressant such as 12-hydroxystearic acid (B2) (col. 8, lines 7-17) helps the dibenzylidene sorbitol be dispersed on a molecular level in the polyolefin resin.

It was concluded that because JP '165 and Kobayashi disclose polyolefin molding compositions containing dibenzylidenesorbitol, it would have been obvious to one of ordinary skill in the art to utilize the melting point depressant of Kobayashi in the composition of JP '165 to aid the dispersion of dibenzylidene sorbitol in polyolefin. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

It is submitted that JP '165 does not teach or suggest the presently claimed invention. Among other things, the composition according to JP '165 does not include a component (C3) corresponding to component (C3) of the presently claimed invention.

Specifically, formula (4) and paragraphs [0014] and [0050] of JP '165 only describe hydroxyalkyl amine which allegedly corresponds to component (C3) of the present invention. The hydroxyalkyl amine represented by Formula (4) disclosed in JP '165 is a compound represented by the following formula.



wherein  $R^5$  is an alkyl or alkenyl group of 4 to 22 carbon atoms and  $R^6$  is a straight chain or branched chain alkylene group of 2 to 4 carbon atoms. In particular, one of the substituents on the nitrogen atom is an alkyl or alkenyl group and the remaining two substituents are alkylene groups each having a hydroxyl group at the terminal thereof.

It is evident that the structures of trialkanamine and di-(alkyl/alkenyl) methylamine in the compound containing component (C3) defined in the presently claimed invention are completely different from the structure of the compound represented by Formula (4) in JP '165. Additionally, as is clear from the examples listed on page 33, lines 1 to 13, and Examples 26 and 27 disclosed in the present specification, dialkanamine is a secondary amine in which the nitrogen atom does not have an alkyl group, but only two are substituted with alkanol substituents.

As described above, the amine in component (C3) of the present invention has a completely different structure from the hydroxyalkyl amine represented by Formula (4) disclosed in JP '165. Thus, the composition of the presently claimed invention and the method of suppressing the formation of aldehyde would not be obtainable even if the compound in JP '165 is combined with the 12-hydroxystearin acid described in Kobayashi '165.

Accordingly, withdrawal of the rejection under 35 USC § 103(a) and allowance of claims 9-12 and 15-24 over JP '165 and Kobayashi are respectfully requested.

### **CONCLUSION**

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 9-12 and 16-24 over the cited patent publications are respectfully requested.

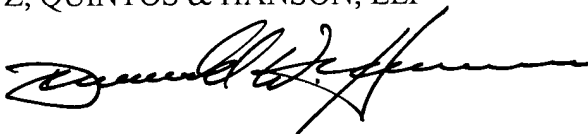
In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

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**In Response to OA dated February 17, 2009**

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees, which may be required with respect to this paper.

Respectfully submitted,

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